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April 16, 2003 LB 23, 146

practitioner is not entitled to immunity if the injury or damage caused by willful or ... by the willful or wanton act of the practitioner. And, finally, the amendment does not allow the medical professional to receive protection of the immunity provision if any damage or injury is caused by such practitioner during the operation of a motor vehicle or while practitioner is impaired by alcohol or illegal drugs. The terms immunity provision are similar to the immunity of this provisions that exist under current law for directors of nonprofit corporations and organizations. My reference would be the Nebraska Revised Statute 25-21,192 through 193 Judiciary Committee took considerable testimony regarding the volunteer work that medical professionals perform at free clinics. I'll summarize that for you and for the record. A number of community-based free clinics exist throughout the state to provide basic health care services. Generally, people who are patients at such facilities are poor and are without health insurance. Without the free clinics and similar facilities, they will not receive the medical treatment that's provided. The free clinics rely on professionals who volunteer their time and their service, and many practitioners are willing to provide that time and service if they can be assured that they will not put themselves or their personal financial well-being at risk by so volunteering. Additionally, many of the doctors or other professionals who volunteer their time are retired. Until relatively recently, the major malpractice insurers in the state of Nebraska offered an affordable retired practitioner insurance policy with a moderate premium that all could afford, but because of the downturn in the insurance the insurers have either discontinued those policies industry, or have increased the premium beyond that which the retired practitioners deem to be affordable. As a consequence of what has happened within the insurance market, retired professionals are reluctant to volunteer their service at our free clinics. The purpose of the bill is to provide an incentive for practitioners, both retired and working, to volunteer their professional services to serve a part of our society that is in need of medical care. Finally, Section 1 of the amendment is LB 23, as such bill was amended by your Judiciary Committee. LB 23 increases the amount recoverable allowed for claims filed pursuant to the Nebraska Hospital-Medical Liability Act.